

aldoside selected from the group consisting of a glucopyranoside, a furanoside and mixtures thereof, and (b) a soluble salt.

REMARKS

Reconsideration and allowance are respectfully requested.

In paragraph 1 of the Office Action, the Examiner noted that the preliminary amendment submitted on November 12, 2001 was entered and that the Examiner corrected the claim numbering due to applicant's presenting two claims numbered as claim 60. Applicant thanks the Examiner for making the correction and notes that currently claims 35-59, 71-73 and 75-80 are currently pending, claims 1, 60-70 and 74 having been canceled herein without prejudice to their assertion in a timely filed continuation application. Applicant has used the claim numbers as renumbered by the Examiner throughout this amendment.

In paragraphs 2-3 of the Office Action the Examiner rejected Claims 35-37, 42-44, 56-59 and 71-79 under 35 U.S.C. § 112, second paragraph as being indefinite. In response applicants have taken the following actions:

- (i) Amended Claim 35 to recite "a soluble salt" instead of "a soluble organic salt".
- (ii) Amended Claim 54 to recite "a salt" instead of "an organic salt".
- (iii) Amended Claim 72 (as renumbered by the Examiner) to define the low molecular weight sugars. Support for the amendment can be found in

original Claim 74 (as renumbered by the Examiner). No new matter has been added.

- (iv) Amended Claim 79 to recite proper Markush terminology.

Applicant respectfully submits that these amendments overcome the objections of the Examiner to Claims 35-37, 42-44, 56-59 and 72-79. Regarding the rejection to Claim 80 (former claim 79) the Examiner stated that the claim was unclear as to the types of soluble salts encompassed by the claim. Applicant submits that the term soluble salts is intended to cover all soluble salts useful in deicing applications, i.e., those that provide freezing point reduction. A non-limiting list of these is provided in the originally filed specification at page 9, line 25 to page 10, line 12. It is respectfully submitted that the terminology is clear and would be readily understood by a person of ordinary skill in the art.

Accordingly, Applicant respectfully submits that the rejection of Claims 35-37, 42-44, 56-59 and 71-79 (72-80 as renumbered) is overcome.

In paragraphs 4-5 of the Office Action, the Examiner rejected Claims 60-70 (as renumbered) under 35 U.S.C. § 102(e) as being anticipated by Back et al. (US Patent No. 5,993,684). In response, Applicant has canceled claims 60-70 (as renumbered) without prejudice to their assertion in a timely filed continuation application. Accordingly, this rejection is rendered moot.

In paragraphs 6-7 of the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 101 as claiming the same invention as that of Claim 1 of prior U.S.

Patent No. 5,876,621. In response, Applicant has canceled Claim 1. Accordingly, this rejection is rendered moot.

In paragraphs 8-9 of the Office Action, the Examiner rejected Claims 35-71 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2-25 of U.S. Patent No. 5,980,774. In response, Applicant submits herewith a Terminal Disclaimer for the '774 patent in order to overcome the obviousness-type double patenting rejection.

In paragraph 10 of the Office Action, the Examiner rejected Claims 35-71 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,129,857. In response, Applicant submits herewith a Terminal Disclaimer for the '857 patent in order to overcome the obviousness-type double patenting rejection.

In paragraph 11 of the Office Action, the Examiner rejected Claims 35-80 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,315,919. In response, Applicant submits herewith a Terminal Disclaimer for the '919 patent in order to overcome the obviousness-type double patenting rejection.

In paragraph 12 of the Office Action, the Examiner provisionally rejected Claims 35-80 under the judicially created doctrine of obviousness-type double patenting

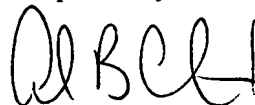
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as being unpatentable over claims 36-93 of copending Application No. 09/675,495. In response, Applicant submits herewith a Terminal Disclaimer for the '495 application in order to overcome the provisional obviousness-type double patenting rejection.

Accordingly, Applicant respectfully submits that the present pending claims are in condition for allowance. Early and favorable action is earnestly solicited.

The Examiner is invited to contact the undersigned to discuss any still outstanding matters.

Respectfully submitted,



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